

Our Reference: ITT-229-D

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David L. Noone, Frank L. Mitchell  
and Peter Wenig

Serial No.: To be Assigned

Filing Date: Concurrently

Examiner/Group Art Unit: To be Assigned

Title: MULTI-LAYER TUBING HAVING  
ELECTROSTATIC DISSIPATION FOR  
HANDLING HYDROCARBON FLUIDS

**PRELIMINARY AMENDMENT**

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account 25,0115.

Prior to examination of the above-identified application, please enter the following Preliminary Amendment.

**IN THE SPECIFICATION:**

On page 1, the first paragraph, please replace with the following:

This application is a divisional of U.S. Serial No. 09/405,757, filed September 27, 1999, which is a continuation of U.S. Serial No. 08/639,421 filed April 29, 1996 (now U.S. Patent No. 5,996,642), which is a continuation of U.S. Serial No. 08/234,298 filed April 28, 1994 (now U.S. Patent No. 5,524,673), which is a continuation-in-part of co-pending U.S. Serial No. 07/896,824 (now U.S. Patent

No. 5,383,087); U.S. Serial No. 07/897,304; U.S. Serial No. 07/897,302; and U.S. Serial No. 07/897,376, all filed on July 11, 1992; a continuation-in-part of co-pending U.S. Serial No. 07/868,754 filed on April 14, 1992 and a continuation-in-part of co-pending U.S. Serial No. 07/962,249, filed on October 16, 1992.

### **IN THE CLAIMS**

Please delete claims 1-34 and prosecute the following claims 67-76 which were added to U.S. Application Serial No. 09/405,757 by Second Supplemental Preliminary Amendment dated May 17, 2000.

67. The elongated multi-layer tubing of Claim 66 wherein the melt-processible thermoplastic material of said at least one additional layer is selected from group consisting of copolymers of substituted alkenes and vinyl alcohol, copolymers of unsubstituted alkenes and vinyl alcohol, copolymers of substituted alkenes and vinyl acetate, copolymers of unsubstituted alkenes and vinyl acetate, and mixtures thereof.

68. The elongated multi-layer tubing of Claim 67 wherein the melt processible thermoplastic material is resistant to permeation by an interaction with short chain aromatic and aliphatic compounds.

69. The elongated multi-layer tubing of Claim 67 wherein the substituted or unsubstituted alkene in the copolymer of the melt-processible thermoplastic material has less than four carbon atoms.

70. The elongated multi-layer tubing of Claim 69 wherein the alkene is ethylene.

71. The elongated multi-layer tubing of Claim 70 wherein the thermoplastic material is a copolymer of ethylene and vinyl alcohol having an

ethylene content between about 27% and about 35%.

72. The elongated multi-layer tubing of Claim 67 wherein the thermoplastic material of the first layer is selected from the group consisting of fluoroplastic polymers, melt-processible polyamides, thermoplastic elastomers and mixtures thereof.

73. An elongated tubing capable conveying hydrocarbons, the tubing comprising:

a plurality of concentrically disposed polymeric layers, each concentrically disposed polymeric layer connected to at least one other concentrically disposed polymeric layer in an essentially permanent manner, each concentrically disposed polymeric layer composed of an extrudable, melt-processible thermoplastic material.

wherein the plurality of concentrically disposed polymeric layers include a first layer disposed radially innermost of the plurality of concentrically disposed polymeric layers and at least one additional layer disposed radially outward thereof and in essentially permanent contact therewith.

wherein at least one of the plurality of concentrically disposed polymeric layers contains a melt-processible thermoplastic material selected from the group consisting of copolymers of substituted alkenes and vinyl alcohol, copolymers of unsubstituted alkenes and vinyl alcohol, copolymers of substituted alkenes and vinyl acetate, copolymers of unsubstituted alkenes and vinyl acetate, and mixtures thereof, and wherein

at least one additional layer of the plurality is composed of a thermoplastic material which is chemically dissimilar to said at least one of the plurality of concentrically disposed polymeric layers.

74. The elongated tubing of Claim 73 wherein at least one additional layer is composed of a melt-processible thermoplastic material selected

from the group consisting of polyamides, thermoplastic elastomers, thermoplastic polyesters, fluoroplastics, and mixtures thereof.

75. The elongated tubing of Claim 74 wherein the thermoplastic polyester is selected from the group consisting of polybutylene terephthalate, polyethylene terephthalate, and mixtures thereof.

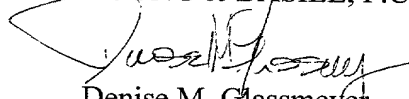
76. The elongated tubing of Claim 74 wherein the polyamide is selected from the group consisting of Nylon 6, Nylon 6.6, Nylon 11, Nylon 12 and mixtures thereof.

**REMARKS**

Upon entry of this Preliminary Amendment, claims 67-76 are present in the application.

Entry of this Preliminary Amendment is respectfully sought. It is submitted that this Preliminary Amendment has been presented to facilitate examination of claims previously withdrawn from prosecution due to a restriction requirement in the most recent proceeding case. It is further submitted that this Preliminary Amendment places the application in a condition which conforms and facilitates examination in this matter and does not seek to enter new subject matter in this regard. Entry of the Preliminary Amendment is, therefore, respectfully requested.

Respectfully submitted,  
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